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SEP 10 2001

FCC MAIL ROOM

Ms. Magalie Roman Salas, Secretary
Office of the Federal Communications Commission
445 12th Street, S.W., Room TW-B2-4
Washington, DC 20554

RE: CC Docket No. 01-194 – In the Matter of Application of SBC Communications, Inc.
Pursuant to Section 271 of the Telecommunications Act of 1996 To Provide In-Region,
InterLATA Services in Arkansas and Missouri

Dear Ms. Salas:

Enclosed for filing in the above-captioned case are an original and four (4) conformed copies of the **WRITTEN CONSULTATION OF THE MISSOURI PUBLIC SERVICE COMMISSION** and a compact disk containing the filing.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Nathan Williams
Associate General Counsel
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Enclosure
cc: Counsel of Record

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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

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In the Matter of)
)
Application of SBC Communications, Inc.)
Pursuant to Section 271 of the)
Telecommunications Act of 1996 To Provide)
In-Region, InterLATA Services in Arkansas)
and Missouri)

CC Docket No. 01-194

**WRITTEN CONSULTATION OF THE
MISSOURI PUBLIC SERVICE COMMISSION**

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ATTACHMENT 1:

ORDER APPROVING SECOND STIPULATION AND AGREEMENT AND
SUSPENDING PROCEDURAL SCHEDULE (September 6, 2001)

ATTACHMENT 2:

SECOND STIPULATION AND AGREEMENT REGARDING COLLOCATION
(Redlined versions of proposed tariffs omitted.)

ATTACHMENT 3:

ORDER GRANTING MOTION TO INCLUDE MISSOURI DATA IN THE AUDIT
OF Southwestern Bell IN THE STATE OF TEXAS (AUGUST 28, 2001)

ATTACHMENT 4:

ORDER GRANTING MOTION TO ACCEPT REVISED MISSOURI
INTERCONNECTION RATES (AUGUST 30, 2001)

ATTACHMENT 5:

ORDER DENYING MOTIONS TO RECONSIDER RECOMMENDATION AND
OPENING CASE FOR MONITORING PURPOSES (September 4, 2001)

WRITTEN CONSULTATION

On August 20, 2001, SBC Communications Inc. filed, jointly with its subsidiaries Southwestern Bell Telephone Company and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance, an application with the Federal Communications Commission for authorization under Section 271 of the Telecommunications Act of 1996 to provide in-region, interLATA Services in Missouri. In response, the FCC established CC Docket No. 01-194, and issued a notice setting dates for the filing of comments by third parties and written consultations by the Department of Justice and the Missouri Public Service Commission. This is the second application to the FCC by these companies for authorization under Section 271 of the Telecommunications Act of 1996 to provide in-region, interLATA Services in Missouri. They filed their first application on April 4, 2001, and withdrew it on June 7, 2001 stating that they wished to give the FCC more time to review new information that had been supplied to it in response to issues that were first raised after the filing of the application.

As with the first application, the Missouri Public Service Commission supports this application. When SBC Communications Inc. with its subsidiaries jointly filed with the FCC the first application for authorization under Section 271 of the Telecommunications Act of 1996 to provide in-region, interLATA Services in Missouri, the FCC established CC Docket No. 01-88.

The Missouri Public Service Commission supported the first application with a Written Consultation filed with the FCC on April 18, 2001 and a Reply filed with the FCC on May 16, 2001. As part of its continued support of SBC Communications Inc. and its subsidiaries for authorization under Section 271 of the Telecommunications Act of 1996 to provide in-region, interLATA Services in Missouri, the Missouri Public Service Commission incorporates by this

reference its Written Consultation and Reply filed with the FCC in CC Docket No. 01-88, including all attachments to those filings.

OVERVIEW

The filing of the first application with the FCC was the culmination of a detailed review that this Commission conducted over the course of two and one-half years. That process began in November of 1998 when Southwestern Bell filed its original draft application with us for review. We chose to obtain input from others and established Case No. TO-99-227 for that purpose. We conducted five separate on-the-record proceedings, including evidentiary hearings. We reviewed the work of other state commissions and the FCC. We received a report from an independent consultant we selected—Ernst and Young, LLP—who verified that Southwestern Bell's Operations Support System could handle anticipated commercial volumes in Missouri and reviewed aspects of Southwestern Bell's data collection processes for reporting performance measures. We monitored Southwestern Bell's performance in Missouri, and continue to do so. On March 15, 2001, we issued our *Order Regarding Recommendation on 271 Application Pursuant to Telecommunications Act of 1996 and Approving the Missouri Interconnection Agreement (M2A)* in which we detailed our analysis that Southwestern Bell had taken the statutorily required steps to open its local exchange and exchange access markets in Missouri to competition and had fully complied with the requirements of 47 U.S.C. § 271(c).

The fact that approximately twelve percent of Missouri local phone lines in Southwestern Bell's service area are today served by competitive local exchange carriers (CLECs) supports the position that Southwestern Bell's market is open to competition in this state. We believe that the Section 271 process we used was instrumental in making this happen, and that SBC

Communications, Inc. and its affiliates have earned the right to enter the long distance market in Missouri.

I. COMPLIANCE WITH COMPETITIVE CHECKLIST ITEMS

The 14-point competitive checklist found in § 274 of the 1996 Telecom Act sets out the steps that a Bell operating company must take to open the local market to its competitors.¹ Southwestern Bell has satisfied the requirements of this competitive checklist by providing or offering access to and interconnection with its network on terms and conditions that satisfy each checklist item. Our complete Findings of Facts and Conclusions of Law regarding the 14-point checklist as of March 2001 are set out in our March 15, 2001 Order.²

A. Checklist Item One -- Interconnection

Section 251(c)(2) requires Southwestern Bell to provide requesting carriers interconnection to Southwestern Bell's network at any technically feasible point, in quality at least equal to that Southwestern Bell provides to itself, and on nondiscriminatory rates, terms, and conditions. The M2A, together with interconnection agreements we have approved, permits several methods of interconnection for requesting carriers. Each of these interconnection arrangements is available at the line side or trunk side of the local switch, the trunk connection points of a tandem switch, central office cross-connect points, out-of-band signaling transfer points, and points of access to unbundled network elements (UNEs).

¹ 47 U.S.C. § 271(c)(2)(B)(i)-(xiv).

² *In the Matter of the Application of Southwestern Bell Telephone Company to Provide Notice of Intent to File an Application for Authorization to Provide In-region InterLATA Services Originating in Missouri Pursuant to Section 271 of the Telecommunications Act of 1996*, MoPSC Case No. TO-99-227 (March 15, 2001) (Order Regarding Recommendation on 271 Application Pursuant to the Telecommunications Act of 1995 and Approving the Missouri Interconnection Agreement (M2A)) (Attachment 1 to Written Consultation of the Missouri Public Service Commission filed in CC Docket No. 01-88 on April 18, 2001).

Southwestern Bell also offers interconnection at any single, technically feasible point within a LATA. Based on further discussions with Staff, NuVox Communications of Missouri, Inc. (f/k/a Gabriel Communications of Missouri, Inc.), and other CLECs, Southwestern Bell modified this proposed language (by adding revisions proposed by NuVox) in order to alleviate any CLEC concerns about their ability to interconnect at a single, technically feasible point. As Staff testified at the November 9, 2000 question and answer session, this offering with the revised language, which has now been incorporated into the M2A, meets checklist item (i).

In addition to these standard offerings, CLECs may request custom-tailored interconnection arrangements through a Special Request process, which allows CLECs to request modifications to existing interconnection arrangements as well as additional arrangements.

Southwestern Bell makes available caged, shared-cage, and cageless physical collocation, all at the CLEC's option. Southwestern Bell also makes available adjacent collocation and virtual collocation and will make available any other physical collocation arrangement that has been deemed technically feasible on another incumbent LEC's premises, unless such an arrangement is not technically feasible on Southwestern Bell's premises or there is a lack of space.

The M2A includes, on an interim basis, collocation terms and conditions identical to those of Southwestern Bell's collocation tariff in the state of Kansas and prices found in its Texas collocation tariff. Those prices are based on TELRIC methodology. These prices are subject to a limited true-up once permanent rates based on Missouri costs are established in Case No. TT-2001-298. The FCC has approved interim prices in Texas where that state commission had a schedule in place for setting permanent prices. The FCC has also approved a Kansas

agreement (K2A) that is similar to the Texas 271 agreement (T2A) with a few modifications to the terms and conditions. In order to move competition forward, this Commission determined that until we set permanent collocation prices in Missouri by a final decision in Case No. TT-2001-298, it is appropriate to use the Texas prices subject to a limited true-up period.

We approved physical and virtual collocation provisions under the M2A on an interim basis, pending our resolution of a tariff proceeding to set permanent rates. We established Case No. TT-2001-298 for that tariff proceeding. On August 24, the parties to that case filed a unanimous joint stipulation as to terms and conditions, including price, for both physical and virtual collocation tariffs. On September 6, 2001 we entered our *Order Approving Second Stipulation and Agreement and Suspending Procedural Schedule* in Case No. TT-2001-298. A certified copy of that order is submitted herewith as an attachment (Attachment 1). This second stipulation and agreement includes a proposed tariff and resolves all issues in Case No. TT-2001-298; thus, the permanent collocation rates that will be available in the M2A are now known. A copy of this stipulation and agreement, including the proposed tariff, is submitted herewith as an attachment (Attachment 2).³

We found that Southwestern Bell interconnects with CLECs in Missouri using the same facilities, interfaces, technical criteria and service standards that it uses for its own operations. These facilities, interfaces, criteria and standards are virtually the same as those that the FCC found met this checklist item when it approved SBC's Texas application for § 271 authority.⁴ Therefore, Southwestern Bell satisfies this checklist item.

³ Redlined versions of proposed tariffs omitted.

⁴ *In re: Application of SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the*

B. Checklist Item Two – Unbundled Network Elements

Southwestern Bell meets its obligations under the 1996 Telecom Act with regard to access to UNEs. Southwestern Bell offers CLECs access to dark fiber, sub-loop unbundling, local switching, tandem switching, signaling networks, call-related databases, line conditioning, and information on loop qualification. Southwestern Bell also provides, through the M2A, CLECs a means to obtain any additional UNEs required by the FCC or identified through arbitration.

UNE Combinations

The M2A's UNE combination provisions mirror those contained in the Texas 271 Agreement. Southwestern Bell combines particular network elements that are not already combined, including new loop-to-switch-port combinations (the UNE Platform or UNE-P) and, under certain conditions, loop-to-interoffice-transport combinations (the Enhanced Extended Loop or EEL).

The Missouri Commission has determined that Southwestern Bell does not separate requested UNEs that Southwestern Bell currently combines in its network unless asked to do so by a CLEC. Moreover, Southwestern Bell has made its combinations available to all CLECs in Missouri on a legally binding basis through the M2A and arbitrated interconnection agreements.

Under the M2A, when a CLEC orders UNEs that are already combined, Southwestern Bell does not charge a Central Office Access Charge (COAC).⁵ For combinations of UNEs that are not currently combined in Southwestern Bell's network and, therefore, require new work to

Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in Texas, 15 FCC Rcd 18,354 (June 30, 2000).

⁵ M2A, Attach. 6 – UNE § 14.2.

assemble, Southwestern Bell charges the COAC in addition to other applicable UNE charges. Southwestern Bell does not require CLECs to own or operate any equipment to combine Southwestern Bell's UNEs. Southwestern Bell makes various collocation arrangements—including caged, shared-caged, cageless, and virtual collocation—available to CLECs for interconnection and access to UNEs. Where space for physical collocation is not available, Southwestern Bell permits CLECs to collocate their equipment in adjacent controlled environmental vaults or similar structures, under the same nondiscriminatory terms as traditional physical collocation. In addition, Southwestern Bell will provide interested CLECs access to a secured frame room or cabinet (if space is not available for a room) that is set aside for accomplishing the necessary connections. The various collocation options, the secured frame option, and Southwestern Bell's offer to combine certain UNEs for CLECs provide multiple methods for CLECs to obtain UNEs without owning or controlling any other local exchange facilities.

Facilities-based CLECs can use these same methods to combine Southwestern Bell's network elements with their facilities. In addition, under the M2A, CLECs may request other technically feasible methods of access that are consistent with the provisions of the Act and other governing law.⁶

Line Sharing

In the M2A, Southwestern Bell makes line sharing available to CLECs on an interim basis, subject to a limited true-up, on the same terms and conditions that it offers in the state of

⁶ M2A, Attach. 6 – UNE § 2.22.

Texas.⁷ We have opened Case No. TO-2001-440 for the purpose of establishing permanent prices, terms, and conditions for line sharing and line splitting in Missouri. The M2A includes provisions to incorporate permanent prices for line sharing in accordance with the final decision in Case No. TO-2001-440. We concluded that it is reasonable for line sharing in Missouri to be offered in the interim, subject to a limited true-up, on the same prices, terms, and conditions as Southwestern Bell offers in the state of Texas. Hearings in Phase 1 of Case No. TO-2001-440, which concerns terms and conditions for line sharing and line splitting were begun on August 20-22, 2001 (and will be concluded in the near future) and hearings in Phase 2, which concerns pricing for line sharing and line splitting, are scheduled for December 3-7, 2001.

This Commission determined that Southwestern Bell complied with the FCC's *Line Sharing Order*.⁸ In addition to the optional amendment in the M2A, CLECs may obtain terms and conditions for xDSL-capable loops and line sharing from SBC's 13-state generic interconnection agreement.

Line Splitting

This Commission determined that it was appropriate to condition our positive recommendation to the FCC for approval of SBC's application for interLATA authority in Missouri on the availability, on an interim basis, of the terms and conditions of the Texas line-splitting arbitration decision. The M2A provides for line splitting on an interim basis, in accordance with the Texas Commission's decision in Arbitration Case No. 22315.⁹ The M2A also provides that the interim rates will be subject to a limited true-up with permanent rates to be

⁷ M2A, Optional Appendix to Attachment 25; High Frequency Portion of the Loop.

⁸ *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, 14 FCC Rcd 20912 (1999). (Third Report and Order in CC Docket No. 98-147, Fourth Report and Order in CC Docket No. 96-98).

⁹ M2A, Optional Appendix to Attachment 25; Line Splitting.

set in our Case No. TO-2001-440. As noted above, hearings in Phase 1 of that proceeding have begun.

Intellectual Property

This Commission determined that Southwestern Bell offers the same terms and conditions to CLECs in Missouri that the FCC approved in its *Texas Order*.¹⁰ Southwestern Bell has committed to “use its best efforts to obtain for CLEC, under commercially reasonable terms, Intellectual Property rights to each unbundled network element necessary for CLECs to use such unbundled element in the same manner as Southwestern Bell.”¹¹

Pricing

The prices for the UNEs found in the M2A that CLECs utilize the most in Missouri are prices that we established in two arbitration cases—Case Nos. TO-97-40 and TO-98-115. Our Staff conducted an intensive 16-week review in Case No. TO-97-40 and we established prices in that case based on our Staff’s recommendation. We determined those prices to comply with the total element long run incremental cost methodology (TELRIC). We have approved numerous interconnection agreements between Southwestern Bell and CLECs that have incorporated rates that were set in Case No. TO-97-40.

In this application, Southwestern has proposed to further reduce in the M2A certain rates that we established in Case No. TO-97-40. We have approved an amendment to the M2A to lower these rates. A certified copy of our order approving that amendment is submitted herewith

¹⁰ *In re: Application of SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in Texas*, 15 FCC Rcd 18,354 at ¶ 230 (June 30, 2000).

¹¹ M2A, General Terms and Conditions §§ 7.3.2-7.3.7.

as an attachment. (Attachment 4). In the M2A, the monthly recurring and nonrecurring charges (NRCs) taken from Case No. TO-97-40 are permanent.¹²

Similar to what Southwestern Bell did in Kansas, in the M2A Southwestern Bell reduced the same nonrecurring charges (NRCs) that it reduced in Kansas by 25 percent, but not below the corresponding Texas NRC. Southwestern Bell has agreed, on a prospective basis, to true-up its rates for certain cross-connects, ISDN-BRI loops, and loop conditioning to conform to a final decision in Case No. TO-2001-439, in which additional TELRIC cost study work will be performed.¹³ We held hearings in that case on August 7-9, 2001, and will establish a briefing schedule in the near future.

Nondiscriminatory Access to OSS

We determined that Southwestern Bell utilizes the same operations support systems (OSS), processes, and procedures in Missouri as it utilizes across its five-state region. Ernst & Young attested that Southwestern Bell uses the same OSS interfaces in Missouri as it uses in Texas and the rest of its five-state region. We were not persuaded by claims that Southwestern Bell's OSS interfaces differ by state and concluded that Southwestern Bell's OSS is the same throughout its five-state region.

Under the M2A, Southwestern Bell has established OSS performance measurements and standards with self-executing damages provisions.¹⁴ These measurements are sufficient to allow interested parties to monitor Southwestern Bell's performance, as well as to ensure Southwestern Bell's continued compliance with its OSS obligations. Ernst & Young certified that

¹² M2A, UNE Pricing Appendix, fn. 1, p. 11.

¹³ M2A, Attachment 25: DSL, Section 11.4.

¹⁴ M2A, Attach. 17 – Performance Remedy Plan.

Southwestern Bell was accurately reporting these performance measurements. Southwestern Bell's OSS interfaces are presently being used at commercial volumes. Usage of all of Southwestern Bell's interfaces has increased substantially since the submission of the initial Texas application. Southwestern Bell reports most OSS performance measures on a state-specific basis, allowing the monitoring of Missouri performance to show that the same nondiscriminatory access to OSS functions demonstrated by Southwestern Bell in Texas is being provided to CLECs in Missouri. The third-party test of Southwestern Bell's systems conducted by Telcordia under the auspices of the Texas Commission "provides evidence of the functionality and capacity of Southwestern Bell's OSS in several important areas."¹⁵ Telcordia concluded that Southwestern Bell's systems process CLEC transactions in a nondiscriminatory fashion and that they can do so at reasonably foreseeable levels of demand. Comments regarding the adequacy of the test itself have been thoroughly addressed by the Texas Commission and the FCC.

Because Southwestern Bell's OSS are the same throughout its five-state region, the findings of Telcordia in Texas are equally valid in Missouri. At our direction, Ernst & Young determined that the first quarter of year 2000 augmented workload volumes tested in the Telcordia capacity test included Missouri commercial volumes. Moreover, Telcordia's scalability report filed in Texas in August of 2000 indicates that Southwestern Bell's scalability process is adequate to account for future capacity needs.

Ernst & Young's analysis was thorough and reliable. We found that Southwestern Bell's change management process (CMP) allows Southwestern Bell to notify CLECs of new interfaces

¹⁵ Texas Order ¶ 103.

and changes to existing OSS interfaces; and that it also provides for the identification and resolution of CLECs' concerns regarding Southwestern Bell's interfaces. The CMP's effectiveness and Southwestern Bell's adherence to it over time were monitored by the Texas Commission, examined by Telcordia, and approved by the FCC.¹⁶ CLECs played a significant role in establishing the CMP, and they are afforded ample opportunity to supply input regarding their needs or concerns, including the ability to halt implementation through a go/no-go vote.¹⁷

Southwestern Bell provides adequate training and support for the use of its OSS.¹⁸ Southwestern Bell has established an Information Services (IS) Call Center, which is available 24 hours per day, seven days per week, to assist CLECs that have questions or problems regarding electronic access to OSS functions, and offers on-line assistance via its Internet site.¹⁹ Southwestern Bell's Local Service Center (LSC) and Local Operations Center (LOC) provide CLECs with contact points for issues regarding their ordering, provisioning, maintenance and repair, and billing needs, as well as the execution of complex transactions requiring manual handling. Pre-ordering consists of the exchange of information between Southwestern Bell and a CLEC, such as customer address verification, feature availability, telephone number assignments, and due date availability. Southwestern Bell offers CLECs four primary electronic interfaces to access pre-ordering functions: Easy Access Sales Environment (EASE), Verigate, DataGate, and the industry standard EDI and CORBA.²⁰ We note that Southwestern Bell also offers access to its service centers, which will perform pre-ordering inquiries manually for those

¹⁶ Texas Order ¶¶ 105, 110-118.

¹⁷ Texas Order ¶¶ 110-118.

¹⁸ Texas Order ¶¶ 144-146.

¹⁹ Texas Order ¶ 145.

²⁰ M2A, Attach. 2 – Ordering and Provisioning – Resale § 2; M2A Attach. 7 – Ordering and Provisioning Unbundled Network Elements §§ 2, 4.

CLECs that have chosen not to employ electronic interfaces and for those complex transactions requiring manual handling. For the ordering and provisioning of services, Southwestern Bell provides CLECs a choice of four primary electronic interfaces: EASE, EDI, LEX, and Southwestern Order Retrieval and Distribution (SORD). These interfaces allow CLECs to transmit service requests to Southwestern Bell's back-end systems and to obtain order confirmation data, service order status, and service order completion information from Southwestern Bell while an order is being provisioned. Once a service order has been generated in Southwestern Bell's back-end systems, a firm order confirmation (FOC) is generated and returned to CLECs electronically.

Southwestern Bell has introduced enhancements designed to increase flow-through and reduce the frequency of CLEC errors that cause orders to fall out for manual processing by creating additional "up-front" edits at the request of CLECs. Once an order is provisioned, Southwestern Bell returns a completion notification to CLECs. If, for some reason, the order will not or may not be provisioned on the due date given to a CLEC on their FOC, Southwestern Bell issues a jeopardy notification.

Southwestern Bell provides CLECs a choice of two electronic interfaces for maintenance and repair—Toolbar Trouble Administration (TBTA), the same graphic-user interface (GUI) used by Southwestern Bell's business customers and interexchange carriers (IXCs), and the industry standard Electronic Bonding Trouble Administration (EBTA)—enabling them to report troubles and request repair of resale services and UNEs, and to check on the status of these

trouble reports.²¹ CLECs also have the option of calling the LOC to report any troubles and request maintenance or repair.

Southwestern Bell offers five electronic billing interfaces—Bill Plus, EDI, Bill Data Tape (BDT), Bill Information, and the Usage Extract Feed—allowing CLECs to bill their customers, to process their customers' claims and adjustments, and to view Southwestern Bell's bill for services provided to the CLEC.²²

We determined that billing performance measures are adequate to evaluate Southwestern Bell's billing performance, and the record demonstrates that Southwestern Bell generally provides CLECs accurate and timely bills and usage information.²³ Southwestern Bell has adequate procedures to update automatically its billing systems. Further, Southwestern Bell has manual processes to address orders that do not update properly.

C. Checklist Item Three – Poles, Ducts, Conduits, and Rights-of-Way

Southwestern Bell's M2A includes provisions governing access to poles, ducts, conduits, and rights-of-way, which are available to interested CLECs or which may be used as a starting point for negotiations.²⁴ AT&T and others have negotiated interconnection agreements with Southwestern Bell where they have altered these provisions of the M2A. Southwestern Bell has established rates that are in accordance with FCC requirements.²⁵

Southwestern Bell provided evidence of its provision of access to poles, duct, conduits, and rights-of-way. No CLEC has challenged Southwestern Bell's compliance with this checklist

²¹ M2A, Attach. 3 – Maintenance – Resale; M2A Attach. 8 – Maintenance – UNE.

²² M2A, Attach. 4 – Connectivity Billing – Resale; M2A Attach. 9 – Billing – Other.

²³ Texas Order ¶¶ 210-212.

²⁴ M2A, Attach. 13 – App. Poles, Conduits, and Rights-of-Way.

²⁵ M2A, Attach. 13 – App. Poles, Conduits, and Rights-of-Way.

item. Southwestern Bell offers nondiscriminatory access to poles, ducts, conduits, and rights-of-way in compliance with the requirements of section 271(c)(2)(B)(iii).

D. Checklist Item Four – Unbundled Local Loops

Southwestern Bell currently offers unbundled access to 2-wire and 4-wire analog and digital loops, including loops that are conditioned to transmit the digital signals needed to provide services such as ISDN, ADSL, HDSL, DS1- and DS3-level signals.

Southwestern Bell's performance plan captures all aspects of the pre-ordering, ordering, and provisioning of unbundled loops.²⁶ Southwestern Bell has also committed to providing access to additional loop types and conditioning pursuant to the Special Request process, as well as to any additional loop types that either the FCC or this Commission identifies for unbundling.

As in Texas, Southwestern Bell offers CLECs in Missouri a choice between two different methods of coordinated conversions—the fully coordinated hot cut process (CHC) and the frame due time hot cut process (FDT)—allowing CLECs to select the process that best fits their resources and priorities. Southwestern Bell provisions high-quality coordinated conversions in a timely manner and with a minimum of service disruption in satisfaction of the applicable FCC hot cut standards for both CHC and FDT conversions. Southwestern Bell utilizes the same processes and procedures for the pre-ordering, ordering, and provisioning of xDSL-capable loops and related services in Missouri as it does in Texas.

Southwestern Bell additionally has established a fully operational separate advanced services affiliate. ASI became SBC's exclusive provider of new interstate advanced services in Missouri on January 12, 2000. ASI began providing new intrastate advanced services on March

²⁶ M2A, Attach. 17.

8, 2000, and became the provider of record for Southwestern Bell embedded customers on those same days.

ASI uses the same ordering and provisioning systems and procedures that CLECs use when ASI requires unbundled loops. Since line sharing became operational throughout Southwestern Bell's region on May 30, 2000, ASI orders the high-frequency portion of the loop using the same interfaces used by other CLECs.

In September 2000, ASI additionally began to offer xDSL service to customers in the "yellow zone"—*i.e.*, at loop lengths between 12,000 and 17,499 feet. ASI is operating in accordance with structural separation and nondiscrimination rules that were approved by the FCC in both the *SBC/Ameritech Merger Order*²⁷ and the *New York Order*.²⁸ Having reached the "steady state" operationally, ASI's independent operations provide further guarantees that there is a level playing field in the market for advanced services in Missouri.

In an effort to help CLECs work around any problems they may face due to inaccuracies in Southwestern Bell's DSL databases, Southwestern Bell has voluntarily offered to extend its "yellow zone" line sharing trial to stand-alone xDSL-loops. This voluntary offering will reduce the provisioning interval for loops requiring conditioning by 8-10 days.

Southwestern Bell made line sharing available in Missouri before the FCC's June 6, 2000 deadline. CLECs in Missouri have begun to utilize the line sharing option in Missouri and Southwestern Bell has already demonstrated its ongoing ability to provision commercial volumes of line-shared loops through the services provided to ASI. Any CLEC can provide integrated

²⁷ *Applications of Ameritech, Transferor, and SBC Communications, Inc., Transferee, For Consent to Transfer Control*, 14 FCC Rcd 14712 (1999) (Memorandum Opinion and Order).

²⁸ *Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act to Provide In-region, InterLATA Service in the State of New York*, 15 FCC Rcd 3953 (1999).

voice and data service over a single loop, as can a CLEC and a designated data provider. Southwestern Bell explained how a CLEC could do so, and the FCC already has found that “Southwestern Bell allows competing carriers to provide both voice and data services over the UNE-P.”²⁹

In addition, we have established Case No. TO-2001-440 to examine the prices, terms, and conditions of line sharing in Missouri. In the meantime, Southwestern Bell has made line sharing available in the M2A at interim rates identical to those in the T2A. These rates are subject to a limited true-up with the permanent rates set in Case No. TO-2001-440.³⁰ Therefore, Southwestern Bell has fully implemented the line-sharing performance measurements effective with the reporting of October 2000 data.

“Line splitting” is the shared use of an unbundled loop for the provision of voice and data services by a voice CLEC and a data CLEC. The voice CLEC and data CLEC may or may not be the same entity. This is different from “line sharing,” in which an ILEC provides voice service and a CLEC provides data service. CLECs have the ability to engage in line splitting today under Southwestern Bell’s current offerings.

A CLEC may purchase an xDSL-capable loop UNE from Southwestern Bell and then provide both voice and data services over the loop, and it may purchase UNE switching to provide voice services. A single CLEC may choose to use the loop to provision both data and voice services, or one CLEC could provide voice service and another CLEC could provide data service.

²⁹ Texas Order ¶ 325.

³⁰ M2A, Optional Line Sharing Amendment – Appendix to Attachment 25: xDSL.

Southwestern Bell offers in the M2A the same prices, terms, and conditions for line splitting in Missouri as in the Texas arbitration, once final, on an interim, subject to a limited true-up with permanent prices, terms, and conditions to be set by us in Case No. TO-2001-440.³¹ We found that until Case No. TO-2001-440 is decided, nothing further is required by Southwestern Bell than its current offerings.³² Southwestern Bell offers nondiscriminatory access to local loops in compliance with the requirements of section 271(c)(2)(B)(iv).

E. Checklist Item Five – Unbundled Local Transport

Southwestern Bell supplies dedicated transport between a Southwestern Bell tandem or end office and a CLEC tandem or end office at standard transmission speeds of up to OC-48. CLECs may obtain dedicated transport with levels of capacity higher than OC-48 through an optional amendment to the M2A. Southwestern Bell permits CLECs to use dark fiber as an unbundled element to provide their own dedicated transport.³³ Southwestern Bell also makes available cross-connections for use with unbundled dedicated transport.

Southwestern Bell offers shared (or common) transport between its central office switches, between its tandem switches, and between its tandem switches and central office switches, in accordance with the “shared transport” requirements of the FCC’s *UNE Remand Order*.³⁴ Southwestern Bell will combine unbundled 2- or 4-wire analog or digital loops with

³¹ M2A, Optional Line Splitting Amendment – Appendix to Attachment 25: xDSL.

³² *In the Matter of the Application of Southwestern Bell Telephone Company to Provide Notice of Intent to File an Application for Authorization to Provide In-region InterLATA Services Originating in Missouri Pursuant to Section 271 of the Telecommunications Act of 1996*, MoPSC Case No. TO-99-227 (March 15, 2001) (Order Regarding Recommendation on 271 Application Pursuant to the Telecommunications Act of 1995 and Approving the Missouri Interconnection Agreement (M2A)) (Attachment 1 to Written Consultation of the Missouri Public Service Commission filed in CC Docket No. 01-88 on April 18, 2001).

³³ M2A, Attach. 6 – UNE § 8.2.2.

³⁴ *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, 15 FCC Rcd 3696, 3891-3892 (1999) (Third Report and Order and Fourth Further Notice of Proposed Rulemaking).

unbundled voice-grade DS0, DS1, or DS3 dedicated transport to provide new EEL arrangements.³⁵

Southwestern Bell's dedicated and shared transport offerings satisfy the requirements of section 271(c)(2)(B)(v).

F. Checklist Item Six – Unbundled Local Switching

Southwestern Bell provides CLECs unbundled switching capability with the same features and functionality available to Southwestern Bell's own retail operations. Southwestern Bell provides requesting carriers access to line side and trunk side switching facilities, plus the features, functions, and capabilities of the switch.

Southwestern Bell offers CLECs all the vertical features the switch is capable of providing. Southwestern Bell also offers any technically feasible routing features, such as the ability to route calls to a CLEC's own directory assistance and operator services facilities over CLEC-designated trunks.

Southwestern Bell provides two methods by which CLECs using unbundled local switching may have calls "custom routed" according to their own specifications. Southwestern Bell also provides usage information for billing exchange access and reciprocal compensation. Therefore, Southwestern Bell provides nondiscriminatory access to unbundled local switching in compliance with section 271(c)(2)(B)(vi).

³⁵ M2A, Attach. 6 – UNE § 14.7.

G. Checklist Item Seven – 911 and E911, Directory Assistance, Operator Services

1. 911 and E911 Access

Southwestern Bell provides 911 and E911 access on a nondiscriminatory basis. There were no allegations that Southwestern Bell fails to satisfy this checklist item.

2. Directory Assistance/Operator Services

Section 271(c)(2)(B)(vii)(II) and section 271(c)(2)(B)(vii)(III) require Southwestern Bell to provide nondiscriminatory access to “directory assistance services to allow the other carrier’s customers to obtain telephone numbers” and “operator call completion services.”

No CLEC presented any evidence questioning Southwestern Bell’s ability to satisfy this checklist item. Southwestern Bell provides nondiscriminatory access to directory assistance and operator services in compliance with the requirements of section 271(c)(2)(B)(vii)(II) and (III).

Various CLECs claim that Southwestern Bell should be required to continue providing operator services and directory assistance services as unbundled network elements. But the FCC has now removed directory assistance and operator services from the list of required elements subject to the unbundling requirements of sections 251 and 252, including the requirement that rates be based on forward-looking costs.³⁶

Southwestern Bell has demonstrated that it is providing nondiscriminatory access to 911 and E911 services, directory assistance, and operator call completion services in compliance with section(c)(2)(B)(vii).

³⁶ *UNE Remand Order*, 15 FCC Rcd at 3891-92, ¶¶ 441-442.

H. Checklist Item Eight – White Pages Directory Listings

Southwestern Bell provides White Pages directories to CLECs' end users during the annual distribution of new books and provides additional directories for CLECs to use throughout the year. The M2A includes provisions for a facilities-based CLEC to forecast — before directories are printed—the total number of Southwestern Bell White Pages directories the CLEC will need throughout the year, just as Southwestern Bell must project its own needs. If a CLEC wants White Pages provisions that are different from those available under the M2A, the CLEC is free to negotiate those terms and conditions in an interconnection agreement under section 252. No CLEC has alleged that Southwestern Bell fails to satisfy this aspect of the checklist item. Southwestern Bell provides White Pages directory listings in compliance with section 271(c)(2)(B)(viii).

I. Checklist Item Nine – Numbering Administration

Southwestern Bell administered the assignment of numbers in accordance with industry-established guidelines published by the Industry Numbering Committee throughout its tenure as Code Administrator. Since that time Southwestern Bell has continued to support and to adhere to the number administration rules, regulations, and guidelines established by the FCC as well as the industry numbering forums.

Unique NXXs are necessary for all providers to ensure proper routing and billing of calls placed to numbers to the dialed NPA-NXX. The requirement in the M2A mirrors this practice and meets the basic requirements of the North American Numbering Plan. Southwestern Bell complies with section 271(c)(2)(B)(ix).